

09-09-02

2132

CPA
2400
#11
KWS
94202
1PATENT
450108-4457

CONTINUED PROSECUTION PATENT APPLICATION REQUEST
(Under 37 CFR § 1.53(d))

| | |
|--|------------------|
| PRIOR APPLICATION: 09/370,776 | |
| EXAMINER: D. Meislahn | ART UNIT 2132 |
| ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | |
| CLASS | SUBCLASS |

| EXPRESS MAIL | |
|---|-------------------|
| Mailing label number | EV073694334US |
| Date of Deposit: | September 6, 2002 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231. | |
| <i>Charles Jackson</i> | |
| (Typed or printed name of person mailing paper or fee) | |
| <i>Charles Jackson</i> | |
| (Signature of person mailing paper or fee) | |

Technology Center 2100

SEP 11 2002

RECEIVED

[37 CFR § 1.8 Certificate of Mailing CANNOT be used.]

ASSISTANT COMMISSIONER FOR PATENTS

Box CPA

WASHINGTON, D.C. 20231

This is a Request for filing a X continuation or divisional application under 37 CFR § 1.53(d) (continued prosecution application (CPA)) of prior application Serial No. 09/370,776, filed on August 9, 1999, which is a Continuation of PCT/JP98/03127, filed July 13, 1998, by the following named inventors: Tatsuya Kubota and Norio Wakatsuki, and currently entitled **DATA MULTIPLEXING DEVICE, PROGRAM DISTRIBUTION SYSTEM, PROGRAM TRANSMISSION SYSTEM, PAY BROADCAST SYSTEM, PROGRAM TRANSMISSION METHOD, CONDITIONAL ACCESS SYSTEM, AND DATA RECEPTION DEVICE.**

| FULL NAME OF INVENTOR | FAMILY NAME | FIRST GIVEN NAME | SECOND GIVEN NAME |
|--------------------------------|--|--------------------------|--------------------------|
| | Kubota | Tatsuya | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | Kanagawa | Japan | Japan |
| CURRENT CORRESPONDENCE ADDRESS | POST OFFICE ADDRESS | CITY | STATE & ZIP CODE/COUNTRY |
| | Sony Corporation 7-35 Kitashinagawa, 6-Chome, Shinagawa-ku | Tokyo | Japan |
| FULL NAME OF INVENTOR | FAMILY NAME | FIRST GIVEN NAME | SECOND GIVEN NAME |
| | Wakatsuki | Norio | |
| RESIDENCE & CITIZENSHIP | CITY | STATE OR FOREIGN COUNTRY | COUNTRY OF CITIZENSHIP |
| | Kanagawa | Japan | Japan |
| CURRENT CORRESPONDENCE ADDRESS | POST OFFICE ADDRESS | CITY | STATE & ZIP CODE/COUNTRY |
| | Sony Corporation 7-35 Kitashinagawa, 6-Chome, Shinagawa-ku | Tokyo | Japan |

— See attached sheet for names and addresses of additional inventors (if any).

— This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4). Please delete the following inventor(s) named in the prior nonprovisional application:

— See attached sheet for names of additional inventors to be deleted (if any).

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including all previously entered amendments and the drawings, as the basic papers for the new application.

Note: If prior application is not to be abandoned, then the form for 37 CFR 1.53(b) should be used.

1. X Enter the amendment previously filed on July 12, 2002 under 37 CFR 1.116 but unentered, in the prior application.
2. X A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

| (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE | (5) CALCULATIONS |
|---|------------------|------------------|------------|------------------|
| TOTAL CLAIMS | 9 -20- | 0 | x \$18.00 | \$0.00 |
| INDEPENDENT CLAIMS | 2 -3- | 0 | x \$84.00 | \$0.00 |
| MULTIPLE DEPENDENT CLAIMS(S) (IF APPLICABLE) | | | + \$280.00 | \$ |
| | | | BASIC FEE | + \$ 740.00 |
| Total of above Calculations | | | | \$740.00 |
| Reduction by 1/2 for filing by small entity (Note: 37 CFR § 1.9, § 2.37, § 1.28). | | | | |
| TOTAL FILING FEE | | | | \$740.00 |

3. X The Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 (for filing) and § 1.17 (for prosecution) not otherwise paid which may be required with respect to the papers filed herewith, (___ and also any additional such fees which may be required during the entire pendency of this application, ___ and also the issue fee under 37 CFR 1.18), or credit any overpayment, to Deposit Account No. 50-0320.
4. a. X A check in the amount of \$740.00 is enclosed.
- b. ___ The filing fee to be paid later with surcharge.
5. a. X Priority of foreign Application No. 9-171039 filed on June 11, 1997 in Japan is claimed under 35 U.S.C. 119.
- b. X A certified copy of said foreign priority application was filed in prior U.S. application Serial No. 09/370,776 filed August 9, 1999. Acknowledgement thereof is requested.

6. X The prior application is assigned of record to Sony Corporation by virtue of an Assignment recorded in the U.S. Patent Office on August 9, 1999, at Reel 010166, Frame 0520.
7. Original title and original applicant(s) of prior U.S. application, if different from above:
8. X This application is being filed within the first month following the expiration of the term originally set therefor in the prior application. This is a petition to request a one-month extension of time. A check (\$110.00) covering the cost of the petition is enclosed.

Address all future communications to (may only be completed by applicant, or attorney, or agent of record):

Attention of: William S. Frommer, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, New York 10151

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

Date: September 6, 2002

FROMMER LAWRENCE & HAUG LLP

Gordon Kessler #38,511
Gordon Kessler
for Name: William S. Frommer

Reg. No.: 25,506

Attorney of record

(or filed under 37 CFR § 1.34)

Tel. (212) 588-0800



PATENT
450108-4457

#1210
KWS
9-12-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CPA of Serial No. : 09/370,776

Applicants : Tatsuya KUBOTA et al.

Filed : Herewith

For : DATA MULTIPLEXING DEVICE, PROGRAM
DISTRIBUTION SYSTEM, PROGRAM TRANSMISSION
SYSTEM, PAY BROADCAST SYSTEM, PROGRAM
TRANSMISSION METHOD, CONDITIONAL ACCESS
SYSTEM, AND DATA RECEPTION DEVICE

Examiner : D. Meislahn

Art Unit : 2132

745 Fifth Avenue
New York, New York 10151
Tel. (212) 588-0800

EXPRESS MAIL

Mailing Label Number: EV 073694334 US

Date of Deposit: September 6, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Charles J. Sacco
(Typed or printed name of person mailing paper or fee)

Charles J. Sacco
(Signature of person mailing paper or fee)

RECEIVED
SEP 11 2002
Technology Center 2100

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Box Patent Application
Washington D.C. 20231

Sir:

Prior to further examination of this application, please amend this application as follows.